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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,937	01/29/2002	Yutaka Iyoki	P21953	3791
7055	7590	11/25/2005		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER SERRAO, RANODHI N	
			ART UNIT 2141	PAPER NUMBER
DATE MAILED: 11/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	Application No. 10/057,937	Applicant(s) IYOKI, YUTAKA	
	Examiner Ranodhi Serrao	Art Unit 2141	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 15-21.  
 Claim(s) withdrawn from consideration: 1-14.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached response to arguments.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 02 November 2005 have been fully considered but they are not persuasive.
2. The applicant argued that Tomat does not disclose a terminal apparatus which receives, from the scanner, a control file including a file name. The examiner points to col. 2, lines 11-26, wherein Tomat describes the claimed operation. The transport protocol can serve the purpose of a control file since it, "...allows data to be transported and opened in applications on remote computing devices," see col. 2, lines 33-45.
3. The applicant also argued that Tomat does not disclose a terminal apparatus which analyzes the file name included in the received control file to obtain the file type of the received document file and starts the application program associated with the obtained file type to open the received document file. The examiner points to col. 11, lines 45-58, wherein Tomat describes analyzing the DCOM file in order to determine which program to use to open the associated program to open the file.
4. Furthermore, the applicant argued that the add/edit window 130 of Fig. 9 is not utilized for starting the application program associated with the obtained file type to open the received document file. Col. 11, lines 44-58 states "Open in Remote Application." This statement clearly contradicts the applicants remarks. Therefore, Tomat teaches the invention as claimed.
5. Moreover, the applicant argued that the examiner has provided absolutely no motivation for the proposed combination of Shima and Tomat. The examiner reaffirms

the motivation to combine the two references, which was disclosed in Tomat, therefore meeting the requirements of 35 U.S.C. 103. In conclusion, the examiner finds the cited references to teach the invention as claimed. See rejections below.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (2002/0004802) and Tomat (6,459,499).

8. As per claims 15, 20, and 21, Shima teaches an interface configured to be connected to a scanner apparatus via a network (see Shima, paragraph 0024). But fails to teach a memory configured to store a plurality of information indicating a plurality of file types and a plurality of application programs associated with the plurality of the file types, each of the plurality of the application programs being utilized for opening a document file associated with each of the plurality of the file types; and a controller configured to: receive, from the scanner apparatus, a control file including a file name; receive, from the scanner apparatus, a document file, the document file including image data scanned by the scanner apparatus; analyze the file name included in the received control file to obtain the file type of the received document file; and start the application program associated with the obtained file type to open the received document file. However, Tomat teaches a memory configured to store a plurality of information indicating a plurality of file types (see Tomat, col. 10, lines 25-34) and a plurality of

Art Unit: 2141

application programs associated with the plurality of the file types, each of the plurality of the application programs being utilized for opening a document file associated with each of the plurality of the file types (see Tomat, col. 14, lines 13-34); and a controller configured to: receive, from the scanner apparatus, a control file including a file name (see Tomat, col. 8, lines 20-28); receive, from the scanner apparatus, a document file, the document file including image data scanned by the scanner apparatus (see Tomat, col. 4, lines 6-10); analyze the file name included in the received control file to obtain the file type of the received document file (see Tomat, col. 14, lines 13-34); and start the application program associated with the obtained file type to open the received document file (see Tomat, col. 11, lines 45-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Shima to a memory configured to store a plurality of information indicating a plurality of file types and a plurality of application programs associated with the plurality of the file types, each of the plurality of the application programs being utilized for opening a document file associated with each of the plurality of the file types; and a controller configured to: receive, from the scanner apparatus, a control file including a file name; receive, from the scanner apparatus, a document file, the document file including image data scanned by the scanner apparatus; analyze the file name included in the received control file to obtain the file type of the received document file; and start the application program associated with the obtained file type to open the received document file in order to provide a system for scanning a document and sending a corresponding image file to a

Art Unit: 2141

remote recipient using a software autosend utility that accesses predefined profiles of potential recipients (see Tomat, col. 2, lines 11-26).

9. As per claims 16-19, the above-mentioned motivation of claim 15 applies fully in order to combine Shima and Tomat.

10. As per claim 16, Shima and Tomat teach a terminal apparatus, wherein the controller receives, from the scanner apparatus, the control file and the document file, according to a Lpr/Lpd protocol (see Shima, paragraph 0167).

11. As per claim 17, Shima and Tomat teach a terminal apparatus, wherein the controller displays the image data included in the document file on a display of the terminal apparatus, in the form of thumbnail (see Shima, paragraph 0169).

12. As per claim 18, Shima and Tomat teach a terminal apparatus, wherein the memory stores a plurality of display states associated with the, wherein the plurality of the information indicating the plurality of the file types (see Shima, paragraph 0127), and the controller displays the image data included in the document file on a display of the terminal apparatus, based on the display state associated with the obtained file type (see Shima, paragraph 0249).


13. As per claim 19, Shima and Tomat teach a terminal apparatus, wherein the display state comprises displaying the image data in the form of a thumbnail (see Shima, paragraph 0169).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER